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LAW OFFICES OF
FREDERICK K. BREWINGTON
ATTORNEYS AND COUNSELORS AT LAW
50 CLINTON STREET, SUITE 501
HEMPSTEAD, N. Y. 11550

TELEPHONE: (516) 489-6959
FACSIMILE: (516) 489-6958

RECEIVED
AUG 05 2008
CHAMBERS OF
RICHARD M. BERMAN
U.S.D.J.

FREDERICK K. BREWINGTON

IRA FOGELGAREN

GREGORY CALLISTE, JR.
VALERIE M. CARTRIGHT
MILI MAKHIJANI

MEMO ENDORSED

A conference is scheduled for 8/20/08 at 9:30 a.m. The parties are on notice that a sanctions hearing will be held if the matter is not resolved by counsel prior to the conference.

SO ORDERED:
Date: 8/5/08
Richard M. Berman, U.S.D.J.

August 7, 2008

BY FEDERAL EXPRESS
Honorable Richard M. Berman
United States District Court Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Selinger, et al. v. City Of New York, et al.
Docket No.: 08-CV-2096 (RMB)

This office represents the Plaintiffs in the above referenced matter. We write the Court in order to address a few issues regarding Discovery and Plaintiffs' Amended Complaint.

As the Court is aware, Your Honor previously ordered Counsel for Defendant City to supply the names of the police officers involved in the arrest and prosecution of Dr. Selinger. As per Your Honor's Order, the City was supposed to supply these names by July 7, 2008. To date, Plaintiffs have not received the names of the officers. During a previous phone conversation, Counsel for the City provided the name of one officer, Detective William Greene. However, Counsel was not able to advise us as to: what Detective Greene's involvement was, what command he worked within, or whether he was involved in the actual investigation that led to the underlying arrest of Dr. Selinger. All that the City could advise us at that time was that Detective Greene's "name was seen in the paperwork." As we were not advised whether Detective Greene had some material involvement in the underlying investigation and prosecution of Dr. Selinger (as opposed to, perhaps, being mentioned in the paperwork because he had some collateral involvement), we did not make any allegations regarding this detective in our Amended Complaint. Though we endeavored to add Detective Greene's name to the Amended Complaint, we could not add any allegations (in good faith) against Detective Greene.

In the above regard, the Amended Complaint contains Detective Greene's name in the caption (*See* Amended Compl.). However, this name was included in the caption *in error* at this time and no facts concerning Detective Greene was mentioned in the amended complaint.

During our last conference with Your Honor, the City advised the Court that they were not able to fulfill their obligations as per Your Honor's Order. However, the City did state that they were attempting to comply and that they were speaking with Detective Greene (who is currently retired) to see if Detective Greene would accept service at One Police Plaza. To date, Plaintiffs still have not received any information from the City. As such, we respectfully request assistance and further guidance from the Court regarding this matter.

In addition, at the time of Your Honor's Order, we were of the belief that we would have the names of the officers so that we could supply a complete amended complaint. However, Plaintiffs filed the amended complaint (without the names of the officers) in an effort to comply with Your Honor's Order - that Plaintiffs were to provide an amended complaint to address the issues raised by Defendant Morganthau by July 31, 2008. Now, as Plaintiffs anticipate having to amend the complaint again once the names of the officers are received, Plaintiffs respectfully seek leave and permission to file a Seconded Amended Complaint upon receiving the names of "John Doe" Defendant Officers. Plaintiff also ask that the Court instruct the City to provide the information we seek by a date certain.

We thank the Court for its kind consideration in this matter. Kindly contact the Parties should you have any questions.

Respectfully,

GREGORY CALLISTE , JR

Cc: Britta Gilmore, Esq. / Michael Morgan, Esq. (By fax [212] 335-9288)
Brian Maxey, Esq. (By fax 212-788-9776)

GC/cg